

# **Erica Tugaeff Shaghaghi.pdf**

Uploaded by: Erica Tugaeff

Position: FAV

Erica Tugaeff Shaghaghi

2/8/23

I am in favor for SB0214 Employment Harassment and Intimidation Reporting Psychological safety act).

I have personally been effected and was diagnosed with Complex workplace PTSD after being bullied and forced out of my positions in two positions.

The managers refused to train me, humiliated me and pushed me out of my position even though I was qualified to work.

Everyday I greatly suffer with debilitating symptoms the doctor has labeled trauma from my jobs in the past. Even though I spoke up at work that I needed training, I was silenced and fired by other women.

I started contemplating on ending my own life because they put me a state of chronic illness. I lost almost my home, marriage and had have 12k in debt due to the abuse at work. Now I wake up everyday scared to go to work.

I beg you to please stop giving the perpetrators the power to harm innocent people trying to make a decent wage and work, we are sensible people who are punished.

Thank you,

Erica Shaghaghi

Richmond ,CA

# **When a construction worker goes to work he or she**

Uploaded by: Lisbeth Kingsley

Position: FAV

**When a construction worker goes to work he or she is expected to be allowed to wear a safety hard hat so he or she isn't harmed if something falls on them. When office workers go to work there is no mechanism that effectively protects them from psychological injury done by higher ups when their abuse falls on them often permanently injuring their nervous system. Many are left to live out their lives in pain and fear suffering from the after effects of the injury and resulting PTSD. Our jobs are our survival and abuse at work registers as an attack on our lives. We must STOP these injuries from occurring by creating legislation that holds employers accountable effectively so they realize they can't**

**go around injuring their employees  
because they feel like it. Please  
provide psychological 'safety hard  
hats' to protect the lives of workers.  
Thank You**

# **Support for MD's Senate Bill 214.pdf**

Uploaded by: R Mimi Iijima

Position: FWA

1009 S. Farragut Street  
Philadelphia, PA 19143

February 8, 2023

Finance Committee  
% Senator Arthur Ellis  
James Senate Office Building, Room 301  
11 Bladen St., Annapolis, MD 21401

To the Finance Committee:

Re: Senate Bill 214, Employment - Harassment and Intimidation - Reporting (Workplace Psychological Safety Act)

As the director of volunteers and partnerships at End Workplace Abuse (EWA), a volunteer-led and volunteer-driven corps of advocates for psychological safety in the workplace, I commend your effort to pass legislation supporting psychological safety for workers employed by public agencies in Maryland.

Workplace bullying cases are grounded in implicit bias. Bullies typically target women, people of color, the disabled, members of the LGBTQ community, and the oldest and youngest members of our workforce – individuals whose identities do not align with society's power norms. However, our laws have not protected these workers, and they face many hurdles in seeking justice, including the impossible burden of proving intent. Proof of intent is a legal mechanism that makes our discrimination statutes virtually useless. Another obstacle is that the EEOC and state commissions investigating discrimination are severely under-resourced and overburdened.

I commend the proposed bill for explicitly addressing discrimination and taking an expansive approach to people who suffer from prejudice, adding physical attributes and socio-economic status, as well as sexual orientation and gender identity (when LGBTQ citizens do not have full protections nationally). I also applaud the bill for eschewing proof of intent and for attempting to provide a more accessible way for workers to report issues on the job. Last, I support your focus on public agencies which are rife with workplace bullying. Paradoxically, workplace bullying happens at a higher rate in organizations whose missions focus on serving the greater good. These encompass government, as well as nonprofits and institutions in education, health, and human services. Workers bullied in these organizations suffer even more psychological damage as a result of the gap between purported ideals and the grim reality of abuse at work.

By establishing a more systematic reporting process for workplace bullying, SB 214 provides a good foundation for further measures to protect public workers, measures that, in the future, might include ways to prevent and stop harm. Currently, there are no laws preventing workers from psychological abuse, and nearly 50 million workers, or 30% of our workforce, are estimated to suffer from this abuse.

I am hopeful that SB214 can help pave the way for comprehensive protections that will protect a wider swathe of American workers and thank you for striving to establish psychological well-being as a right that is protected by law.

Sincerely,

R. Mimi Iijima  
Volunteers & Partnerships  
End Workplace Abuse/Workplace Psychological Safety Act

# **SB 214\_MDCC\_Employment\_Harassment & Intimidation\_R**

Uploaded by: Andrew Griffin

Position: UNF



**LEGISLATIVE POSITION:**

**Unfavorable**

**Senate Bill 214**

**Employment – Harassment and Intimidation - Reporting**

**Senate Finance Committee**

**Thursday, February 9, 2023**

Dear Chairwoman Griffith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,400 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

SB 214 would establish a new standard of “harassment and intimidation” within the Maryland Occupational Safety and Health (MOSH) Act and requires the Commissioner of Labor and Employment to create a standard “victim of harassment or intimidation reporting form” for employers and employees to report incidents of harassment or intimidation to the Maryland Department of Labor (MDDOL). The bill would also authorize the commissioner to establish an anonymous electronic tip program to report incidents of harassment or intimidation.

The Maryland Chamber respects the positive intent by the introduction of SB 214, however, the continued expansion of the definition of unlawful harassment dilutes and diminishes the harm suffered by victims of more egregious forms of unlawful harassment, as defined under federal law. In 5-1301(C)(1), the definition of “harassment or intimidation” is significantly more stringent than the definition of unlawful harassment under Maryland law effective October 1, 2022. It requires that the conduct be “threatening or seriously intimidating.” Thus, defining intimidation as conduct that is seriously intimidating is circuitous and not helpful.

Further, in section 5-1301(C)(2) the examples of conduct that would be considered “harassment or intimidation” include those significantly broader than what is under current Maryland Law, including “hiring of incompetent subordinates,” “offensive tasks” or “excessive workloads.” Anecdotally, any HR professional would be hard pressed to think of a business day that doesn’t go by without someone expressing frustration about their “excessive workload,” including management, or the perception that a new team member is “incompetent,” or that someone does not feel they were given due credit for

a job well done. Yet, it is a stretch to see where one of these activities would meet the definition of being “threatening or seriously intimidating.”

In section 5-1302(A), the requirement that every concern must be reported would lead to significant administrative burden for the both the employer and state. SB 214 lacks any direction as to whom will serve as the employer’s representative. As a result, it is likely the state would receive multiple reports about the same incident, such as from the manager who overheard it; a coworker who heard about it; and the HR representative who investigated it.

Section 5-1302(C)(2) (V) calls for the reporting of psychological effects. If an employee is reporting an incident the coworker observed, is the coworker supposed to speculate about what psychological effects the coworker imagines the employee experienced and/or those that the coworker feels having observed or witnessed the incident, or both? What expertise might the reporting individual have to speculate to such effects?

The protections laid out in 5-1304 does not apply to complaints reported to the state by employers or others. It creates an inequity for the report created by the state’s recipient to be given greater protections than a report created by an employer. All reports, regardless of who filed them, should be made confidential.

Section 5-1305 requires specified reports be produced by the state and that they include the number of unsubstantiated complaints, among other things. SB 214 does not direct or empower the state, or anyone in fact including an employer, to conduct investigations of complaints. As a result, how would the state know which claims are unsubstantiated?

Finally, SB 214 places the responsibility for the collection of this information with the MDDOL, and not the Maryland Commission on Civil Rights (MCCR), which is the state agency charged with enforcing the harassment and discrimination laws of Maryland. Involving MDDOL would bring in an agency with little to no expertise or responsibility for harassment and discrimination on an extremely important topic. Moreover, Maryland’s system is currently set up for employees to report complaints of harassment to the MCCR, which has the authority and expertise to investigate such complaints. SB 214 would create significant confusion for employees and employers to set up an alternative reporting system, especially one in which the employee’s complaint will not result in any tangible action by the MDDOL.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on **HB 214**.



**sb214.pdf**

Uploaded by: Matthew Pipkin

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Finance Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 214  
Employment – Harassment and Intimidation – Reporting  
(Workplace Psychological Safety Act)  
**DATE:** February 8, 2023  
(2/9)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 214. This bill primarily sets up a program for the Department of Labor to collect reports of “harassment or intimidation” against employees through the use of a “standard victim of harassment or intimidation reporting form” and possibly an anonymous electronic tip line. The bill then requires the Commissioner of Labor and Industry to prepare an annual report to the Legislature that summarizes the harassment and intimidation reporting for the preceding year.

This bill appears to apply to the Judiciary. This bill creates “harassment or intimidation” as a concept for occupational health and safety – which is confusing as there is an existing agency, the Md. Commission on Civil Rights, that is focused on harassment.

Also, the definition of harassment in this bill overlaps in part with the current definition in anti-discrimination laws. But it also adds things that are outside the scope as potential forms of “harassment or intimidation” – like hiring incompetent subordinates, and treatment that is based on physical appearance or socioeconomic status. Neither of those two characteristics are protected under state or federal law.

This would create confusion for employees, managers and offices that work to prevent harassment. For instance, someone reporting to the occupational health and safety tip line could be confused that there are separate, existing reporting procedures for workplace harassment that have obligations to do investigations. This bill is written as an information collection framework for a wide range of workplace grievances but does not address how to resolve them.

Furthermore, confusion arises as to whether there is any sort of investigation requirement by either employers or the Commissioner. The bill does not mention anything about employers having to investigate complaints of “harassment or intimidation” as defined in

the bill. Nor does it say that the Commissioner must investigate complaints. It only says that employers must pass along reports of any incidents that it receives and that the Commissioner must submit an annual report to the Legislature about the information it has received.

The two required elements of those reports are “a description of corrective actions taken by the employer or the Commissioner after receipt of the” victim reporting forms and “the number of unsubstantiated allegations reported.” It should be noted that this bill does not require the reports to include the total number of reports received or the number of substantiated reports. Without either of those figures, the number of unsubstantiated reports would seem to have zero context. Lastly, these elements of the reports seem to imply that employers or the Commissioner must investigate the reports, but nothing in the bill mandates this.

cc. Hon. Arthur Ellis  
Judicial Council  
Legislative Committee  
Kelley O'Connor

**SB 214\_MAA\_UNF.pdf**

Uploaded by: Nicolae Copper

Position: UNF

CHAIRMAN:  
Jeff Graf  
VICE CHAIRMAN  
David Slaughter

**MARYLAND ASPHALT ASSOCIATION**



TREASURER:  
Paul Bramble  
SECRETARY:  
Curtis Hall  
PRESIDENT:  
G. Marshall Klinefelter

February 9, 2023

Senator Melony Griffith, Chair  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 214 – UNFAVORABLE – Employment – Harassment and Intimidation – Reporting (Workplace Psychological Safety Act)**

Dear Chair Griffith and Members of the Committee:

The Maryland Asphalt Association (MAA) is comprised of 18 producer members representing more than 47 production facilities, 24 contractor members, 24 consulting engineer firms and 41 other associate members. MAA works proactively with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

Senate Bill 214 establishes a new standard for workplace "harassment and intimidation" within the Maryland Occupational Safety and Health Act, along with additional reporting requirements for violations of those standards and an anonymous tip line to investigate allegations of such violations.

MAA takes any allegations of workplace harassment and intimidation seriously, and we are committed to maintaining workplaces where employees feel safe, appreciated, and free to speak their minds about any issues they may experience or witness. Our opposition to Senate Bill 214, then, lies not with the goal of making psychological safety as important in the workplace as physical safety, but with the way the bill goes about achieving this laudable goal. The language used throughout Senate Bill 214 is vague, overly broad, and potentially confusing for human resources personnel to implement. In addition, most of the new directives that would be required are already things that workplaces generally need to do or have in place because of federal workplace safety laws and regulations. The addition of state-level rules in this sector is unnecessarily duplicative.

We appreciate you taking the time to consider our request for an UNFAVORABLE report on Senate Bill 214.

Sincerely,

Marshall Klinefelter  
President  
Maryland Asphalt Association

**SB 214\_MTBMA\_UNF.pdf**

Uploaded by: Nicolae Copper

Position: UNF



February 9, 2023

Senator Melony Griffith, Chair  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 214 – UNFAVORABLE – Employment – Harassment and Intimidation – Reporting (Workplace Psychological Safety Act)**

Dear Chair Griffith and Members of the Committee:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials. We proactively work with regulatory agencies and governing bodies to represent the interests of the transportation industry and advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

Senate Bill 214 establishes a new standard for workplace “harassment and intimidation” within the Maryland Occupational Safety and Health Act, along with additional reporting requirements for violations of those standards and an anonymous tip line to investigate allegations of such violations.

MTBMA takes any allegations of workplace harassment and intimidation seriously, and we are committed to maintaining workplaces where employees feel safe, appreciated, and free to speak their minds about any issues they may experience or witness. Our opposition to Senate Bill 214, then, lies not with the goal of making psychological safety as important in the workplace as physical safety, but with the way the bill goes about achieving this laudable goal. The language used throughout Senate Bill 214 is vague, overly broad, and potentially confusing for human resources personnel to implement. In addition, most of the new directives that would be required are already things that workplaces generally need to do or have in place because of federal workplace safety laws and regulations. The addition of state-level rules in this sector is unnecessarily duplicative.

We appreciate you taking the time to consider our request for an UNFAVORABLE report on Senate Bill 214.

Thank you,

A handwritten signature in blue ink, appearing to read "Michael Sakata", is written over a faint, light blue circular watermark or stamp.

Michael Sakata  
President and CEO  
Maryland Transportation Builders and Materials Association